

MINERAL EXTRACTION ORDINANCE
Ordinance # 24-01
Approved by Soo Twp Board June 6, 2024

AN ORDINANCE TO PROVIDE FOR THE LICENSING, REGULATION, INSPECTION AND MONITORING OF ALL SOIL AND MINERAL REMOVAL, EXCAVATION AND MINING OPERATIONS AND MATTERS RELATED THERETO

1. Soo Township recognizes that sand, gravel and other mineral with the Township are non-renewable resources necessary and beneficial to the welfare of its inhabitants and the surrounding region. To provide for utilization of these resources in a manner compatible with nearby residential uses and to protect human health and the environment, it is necessary to regulate and provide procedures and standards for extraction of such minerals. The Township has the authority to regulate extraction and importation of materials to protect the public health , safety and welfare pursuant to MCL 41.181 et seq.

2. Definitions

(a) "Soil" means topsoil, subsoil, clay, sand, gravel, rock, stone and aggregate or any other similar material propose to be moved, removed, excavated, mined, dumped or deposited on land.

(b) "Soil Moving" means the moving removing, excavating, mining, dumping or depositing of soil on or from land within the Township.

(c) "Parcel" means one contiguous piece of real property for which a permit is requested. It may include one or more property descriptions, but will be used for a similar purpose.

3. Permit Required.

(a) It shall be unlawful for any person to move, remove, excavate, mine, dump or deposit any soil without a special land use permit (permit) as hereinafter required; provided, however, that no permit shall be required when:

(1) the total amount of soil to be moved, removed, excavated, dumped or deposited is less than three hundred (300) cubic yards

(2) the soil to be moved, removed, excavated, mined, dumped or deposited is directly related to the construction of a building, structure or other improvements for which a permit has been duly issued, or

(3) the soil to be moved, removed, excavated, dumped or deposited is directly related to or necessary for the landscaping of a lawn or yard, the construction or alteration of a driveway, the construction of subdivision improvements or filling the inside of a building or structure.

(b) One permit is required for each parcel of land affected.

4. Application for Permit

(a) An application for the issuance of a Permit shall be filed with the Township Clerk. Once filed, a copy of the application shall be provide to the Township Board for review.

(b) Application shall be made by the landowner or the person owning the mineral rights in the land.

(c) In all cases, the landowner or the person owning the mineral rights shall be responsible for ensuring that any and all operators comply with all the terms and conditions of this Ordinance.

(d) The following information shall be included in the application:

(1) Full identification of the applicant and all persons to be directly or indirectly interested in the permit is approved.

(2) The business or residential address of the applicant.

(3) A physical and legal description of the land to which the permit is to apply.

(4) The exact nature of the proposed soil moving, the type of soil to be moved, removed, excavated, mined, dumped or deposited, and an estimate of the approximate number of cubic yards of soil involved.

(5) A statement of the manner in which the soil moving work is to be completed and the kind of equipment proposed to be employed.

(6) The proposed route which applicant proposes to use over both public and private property in transporting the soil.

(7) An approximate start and completion date for the project.

(8) The measures that will be taken by the applicant to control noise, vibration, dust, mud and traffic.

(9) Any measures the applicant plans to take to insure public safety, the exclusion of children from the land, and the lateral support of surrounding land, buildings, structures or other improvements.

(10) Such further information as the Township Board may reasonably require.

(e) Upon the request of the applicant, all or part of the requirements contained in this Section may be waived by the Township at the time the application is filed. Such waiver does not preclude the Township from requiring, at a later date, said information.

5. Restrictions Governing Permit Holder. Every person or entity that is granted a permit under this Ordinance shall comply with the following:

(a) All vehicles transporting soil from or to a soil moving project over public streets in the Township shall follow the established truck route or shall travel over such route only as may be directed by the Township to be the least dangerous to public safety, cause the least interference with general traffic and cause the least damage to public streets.

(b) Adequate safeguards shall be provided during the soil moving project to prevent soil and or dust from being deposited on adjoining lands and public or private streets, from waste erosion or blowing soil and or dust.

(c) At the end of the project, the land shall be left in a condition suitable for subsequent development consistent with uses permitted in the Soo Township Zoning Ordinance.

(d) The Township may require the land to be fenced to protect the public health and safety.

(e) Any soil that may be deposited on any public street or public place from any vehicle involved in the soil moving project shall be immediately removed without damage to the public street or public place at the expense of the permit holder.

(f) Any roads used for the purpose of ingress or egress to said project shall be kept dust-free by hand topping with concrete, bituminous substance, chemical treatment, or such other means as may be proposed by the applicant and approved by the Township.

(g) No part of a soil process operation (screening, washing, crushing, etc.) shall take place closer than five hundred (500) feet to the nearest residence or closer than one hundred (100) feet to any street or property line.

(h) Noise and vibration shall be minimized by the use of modern equipment designed to accomplish such minimization and by the proper use of berms, wall and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations. The operation shall at all times comply with applicable Soo Township Noise and Nuisance Ordinances.

(i) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surfaces treated to minimize any such nuisance. Operators shall also follow all applicable State and Federal rules and regulations related to mineral extraction, noise control, air pollution, emissions, dust control, etc.

(j) The operation shall be limited to the hours of 7:00 a.m. until 5:00 p.m. Monday through Friday and 7:00 a.m. to 3 p.m. on Saturday. No operations will be allowed on Sunday. There shall be no operations on New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day. Operators may request special permission from the Township to deviate from this schedule in the event of an emergency. Such permission would be reviewed and granted by the Township Supervisor or his/her designee.

(k) Where the soil moving project results in the creation of a body of water, or impacts on an existing body of water, the Township may require a hydrological study.

6. Filing Fees. At the time of filing the application for a permit, the applicant shall pay a filing fee as determined by the Township Board. The applicant may also be required to pay the Township's cost for professional services related to processing the application, i.e. engineering, attorney, planner, etc. Such application fees shall be for the purpose of offsetting and defraying any cost or expense of the Township for investigating, reviewing and processing such and application.

7. Hearing before the Township Board. The Township Board shall hold a public meeting in accordance with the Michigan Zoning Enabling Act (or its successor). After completion of the public meeting the Township Board shall determine whether or not to grant or deny the permit. In making its decision, the Township Board shall the zoning of the site, the past performance of the applicant in similar undertakings, the financial responsibility of the applicant, the proposed duration of the project and all other relevant matters.

8. Permits. The Township Board may require, as a condition to the granting of the permit, that the applicant provide security in the form and amount specified by resolution. This may include a performance bond or letter of credit in favor of the Township.

9. Revocation and Suspension of Permit, Periodic Review of Permit

(a) Any permit granted pursuant to this Ordinance may be revoked and/or suspended for failure to comply with any of the performance standards, conditions, restrictions or requirements attached and imposed as part of the issuance of the permit. Revocation of such permit shall be accomplished only pursuant to a hearing held before the Township Board after ten(10) days written notice to the permit holder stating the grounds for revocation and indicating the time and place of the hearing.

(b) All permits are subject to periodic review by the Township. If requested, the permit holder shall provide to the Township Board information to permit the Township to evaluate compliance with the Ordinance. The Township Board may, in its sole discretion, hold a public hearing as part of the periodic review.

10. Enforcement and Penalties. A violation of this Ordinance is a municipal civil infraction. For each violation of the Ordinance, a fine in the amount of \$500 shall be imposed, along with all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the Ordinance.

11. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected. The captions included at the beginning of each section are for convenience only and shall not be considered as part of this Ordinance..